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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J. SADASHIVA

WRIT PETITION No. 18547/1997

BETWEEN:

Sri.Vishwanath s/o Baburao
Choudhari, Age: 35 yrs., Occ:
Agril., r/o Nawabad, Tq &
Dist. Bidar.

.. Petitioner

(By Sri I.G.Gachchinmath, Adv.,)

AND:

1. The State of Karnataka by
its Secretary to the Revenue
Dept., M.S.Building, Vidhana
Veedhi, Bangalore-1.
2. The Deputy Commissioner,
Bidar Dist., Bidar.
3. The Asst. Commissioner,
Special Land Acquisition
Officer, Bidar.
4. The Karnataka Housing Board
under HUDCO Scheme by its
Commissioner, Kaveri Bhavan,
Bangalore-1.

.. Respondents

(By Sri K.H.Jagadish, HCGA, for R1 to 3;
Sri H.B.Narayana, Adv., for R4)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India, praying to quash the impugned gazette notification vide Annex.D dt. 8.11.83 by R-1 and also the impugned gazette notifications vide Annex.C dt. 3.3.82 by R-2 so far it pertains to the petitioner's land and etc.,

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This Writ Petition coming on for prly. hearing this day, the Court made the following :-

O R D E R

This petition is liable to be rejected solely on the ground of delay and laches as the notifications in question have been impugned 14 years after the declaration was published in the gazette, without explaining the delay satisfactorily.

2. Sri.I.G.Gachchinamath, the learned Counsel appearing for the petitioner, has contended that, the petitioner was not served with any notice either in respect of notification issued u/s 4(1) of the Land Acquisition Act, 1894 (hereinafter called "the Act") or in respect of the award proceedings. It is his further contention that the notification shall be declared invalid as having not been issued in his name who is the real owner of the property in question.

3. It is not in dispute that the land in question has been acquired. Sri.Gachchinamath, the learned Counsel for the petitioner contends that, the proceedings are invalid for want of service of notice. In view

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of the disclosures from the records it is seen ^{that} the learned Counsel is not properly instructed. The State Government in its statement of objections has contended that the petitioner in pursuance of the notice u/s 9 and 10 of the Act filed his claim petition in the year 1984 claiming compensation at the rate of Rs.62/- per yard. ^{Notice} ~~A copy~~ of this statement of objections was taken to the learned Counsel for the petitioner. None of the statements made in the statement of objections has been disputed by the petitioner in writing. In view of the averments made in the statement of objections having not been disputed, it is not open to Sri.I.G. Gachchinamath, the learned Counsel for the petitioner, to contend otherwise that the petitioner was not aware of the acquisition proceedings ^{as} having not been served with the notice. From the records it is also seen that he filed his objections u/s 5A of the Act and represented before the LAO by a Counsel of his choice. It is also material to see that a Writ Petition filed by his vendor in W.P.No.16244/1983 is dismissed by this Court by its order dated November 15, 1995.

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4. As the petitioner failed to explain the delay of 14^{1/2} years, this petition is rejected solely on the ground of delay and laches.

Sd/-
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